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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2010*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,10-17,19-48 and 50-57* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1, 3-8, 10-17, 19-48, 50-57* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendments and Arguments filed

on 03/15/10.

2.   Claims 1, 3-8, 10-17, 19-48, and 50-57 are pending. Claims 1, 24, 42, 46, and

48 are independent claims. Claims 16-17, 33-34, 46, 48, 50, and 55-57 have been

amended.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1, 6-8, 13-17, 19-24, 27, 31-35, 37-41, 46-48, and 53-57 are rejected**

under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al., US 6,687,873

B1, 2/3/04 (filed 3/9/00) in view of Sahota et al., US 2005/0114757 A1, 05/26/05 (filed

12/22/04, divisional on 04/23/01, provisional on 04/24/00).

        Regarding claim 1, Ballantyne discloses a method and system of outputting

report data in XML format using an XML schema which meets the preamble, *a method*

for presenting results data in a distributed computing environment. See abstract,

columns 2, lines 43-67 and column 3, lines 1-40.

Ballantyne discloses a system for providing XML output by modifying underlying

legacy computer system program applications to report data to a client such as a

telephone customer in XML format which meets the limitation, *a service in a*

distributed computing environment generating results data for a client in the

distributed computing environment. See abstract, figure 1, system 14, column 6,

lines 10-67 and column 7. See also column 2, lines 43-67; column 3, lines 1-40; and

column 4, lines 1-15.

Ballantyne discloses accessing the XML schema (i.e. presentation schema)

where the presentation schema is part of system which meets the portion of the

limitation, *a data presentation process accessing a presentation schema in the*

distributed computing environment, wherein the presentation schema is provided

by the service. See figure 1 which depicts an XML schema that is accessed by a

data presentation process. Specifically, a code generation system (system 14 in

figure 1) interfaces with a legacy computer system (system 12 in figure 1) in order to

output the data in an XML format. The code generation system includes a mapping

engine and modeling engine. The modeling engine interfaces with the legacy system

and provides report data model identifying report incidents in the legacy system to a

mapping engine which maps the incidents from the report data model to the XML

schema. By establishing this relationship between the report data model and the XML

schema, the mapping engine of the code generation system defines a specification for

modification of the legacy program applications to output the XML data which meets the

limitation, *wherein the presentation schema includes information for presenting*

results data for clients in the distributed computing environment. *Examiner note:*

An XML schema is a presentation schema because it describes how to present report

data for a client. See column 6, lines 10-67 through column 8.

Ballantyne teaches generating a modification specification in conjunction with an

XML schema that defines the data structure for write instructions of the modified legacy

program applications to output XML data. The modification specification is used to

generate modified legacy code to run on the legacy computer system where the

modified legacy code is run so that the program applications emit output from the legacy

system in XML format which meets the limitation, *the data presentation process*

accessing the results data; and the data presentation process presenting the

results data for the client in accordance with the information from the

presentation schema. See column 6 and column 7, lines 1-67.

Ballantyne does not disclose the data presentation process and the service

execute on separate devices in the distributed computing environment.

However, Sahota discloses a system for transforming content for execution on

multiple platforms where the transformation of an XML file into a format for different

platforms can occur within a content harvest and conversion platform, a syndication

server (i.e. the "service" in Sahota), or a set-top box which meets the limitation, *the data*

presentation process and the service execute on separate devices in the

distributed computing environment. See column 6, paragraph [0070]

It would have been obvious to a person of ordinary skill in the art at the time of

the invention to modify Ballantyne's data presentation process to execute in a separate

device than the device executing the service because it was well known in the art that

the processing of data could occur on various devices on a network as suggested by

Sahota's option for transforming content on various devices. Thus, a person of ordinary

skill in the art would understand that when processing data, one could utilize different

devices for providing the data and presenting the data, as suggested by Sahota,

because performing different activities on different devices over a network was known in

the art.

In reference to claims 6-7, in column 17, lines 15+, Ballantyne discloses that

internal reports otherwise printed on paper for manual inspection are instead available

for **storage on a database** in XML format. Once electronically stored, the reports are

available as electronic information assets for review by a browser or other electronic

analysis. Different business applications related to e-commerce such Bill Presentment

and Payment allow the client to **access results data** that is electronically stored in a

database. See columns 17-18. These teachings meet the limitation of claim 6 reciting,

said generating the results data comprises the service storing the results data on

a results space in the distributed computing environment and claim 7 reciting,

wherein said accessing results data for a client in the distributed computing

environment comprises accessing the results from the results space.

In reference to claim 8, Ballantyne teaches providing results data in the form of

XML to a display device. The XML data may comprise invoices, billing statements, or

any other type of report data including advertisement. Ballantyne discloses providing a

results advertisement where the advertisement includes information for enabling access

of the results data when he discloses sending an email from the service provider such

as a telephone company with a link to a bill which meets the limitation, ***providing a***

results advertisement for the results data stored on the results space, wherein

the results advertisement includes information for enabling access of the results

data. See column 17. Ballantyne teaches providing report data to a display device,

where a user can then access results data (i.e. billing statements) which meets the

limitation, ***accessing the results data from the results space in accordance with***

the results advertisement.

Although Ballantyne does not expressly use the term "advertisements", the term

"report data" could comprise an advertisement so long as it "advertises" a company. In

this case sending an email from a telephone company comprising a link to a bill could

be interpreted as an "advertisement" because it is naming the company which is

advertising a company. This is a "commercial advertisement" so long as a company's

name appears on the document. Further, an email sent by a company includes a link

providing access to the report data is enabling access to the results data. Moreover,

one of ordinary skill in the art would recognize that an XML schema could be used to

describe any number of output presentations in XML format including invoices and

advertisements, thus it would have been obvious to one of ordinary skill in the art at the

time of the invention to produce advertisements as "result data" since XML schema is

used to produce XML formatted data. See column 17.

In reference to claims 13 and 14, Ballantyne teaches that the results data can

be presented in visual format for display on a display device. See columns 17-18.

In reference to claim 15, Ballantyne teaches the use of a presentation schema

in the form of XML schema wherein the schema can comprise presentation

characteristics of data elements which meets the limitation, ***wherein the results data***

comprises a plurality of data elements, and wherein the presentation schema

comprises a plurality of presentation elements each including information

describing presentation characteristics of one or more of the plurality of data

elements. See columns 6-8. The user may also modify the schema.

In reference to claim 16, Ballantyne discloses using XML schema which

comprises a plurality of presentation elements. Ballantyne's system comprises a

hierarchy of the XML schema wherein the depth of the element corresponds to its

position in the tree structure. See figure 7 and 7A-7B and column 11. The tree

structure of the XML schema can be used to access and display data elements by

traversing the tree. Ballantyne teaches accessing a first presentation elements and

locating one or more data elements within which meets the limitation, ***information for***

locating one or more data elements associated with the presentation element,

wherein said presenting the results data for the client comprises: accessing a

presentation element in the plurality of presentation elements; accessing one or

more data elements associated with the presentation element in accordance with

the information for locating the one or more data elements included in the

presentation element. Ballantyne's system comprises a hierarchy of the XML schema

wherein the depth of the element corresponds to its position in the tree structure. See

figures 7-7B and column 11. The tree structure of the XML schema can be used to

access and display data elements by traversing the tree which meets the limitation,

presenting the one or more data elements for the client in accordance with the

information describing the presentation characteristics of the one or more data

elements included in the first presentation element. See columns 11-12.

In reference to claim 17, Ballantyne teaches repeatedly accessing the data

elements in the tree structure of the schema which meets the limitation, *repeating said*

accessing a presentation element, said accessing one or more data elements,

and said presenting the one or more data elements for each of the plurality of

presentation elements. See columns 11-12.

In reference to claim 19, Ballantyne's system can take place over a network;

however, Ballantyne does not expressly teach the client executes in one device and the

data presentation device executes in a second device.

However, Sahota discloses a system for transforming content for execution on multiple platforms where the transformation of an XML file into a format for different platforms can occur within a content harvest and conversion platform, a syndication server (i.e. the "service" in Sahota), or a set-top box which meets the limitation, which meets the limitation, *wherein the client is executing within a first device in the distributed computing environment and the data presentation process is executing within a second device in the distributed computing environment*. See column 6, paragraph [0070]

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Ballantyne's data presentation process to execute in a separate device than the device executing the service because it was well known in the art that the processing of data could occur on various devices on a network as suggested by Sahota's option for transforming content on various devices. Thus, a person of ordinary skill in the art would understand that when processing data, one could utilize different devices for providing the data and presenting the data, as suggested by Sahota, because performing different activities on different devices over a network was known in the art.

In reference to claim 20, Ballantyne teaches producing reporting data in XML format for delivery to a client via an email link, web-site, or at a bill consolidator which meets the limitation *a client receiving the results data from the service*. See columns 1-2.

Ballantyne does not teach the client provides the results data to a presentation process.

However, Sahota discloses a system for transforming content for execution on multiple platforms where the transformation of an XML file into a format for different platforms can occur within a content harvest and conversion platform, a syndication server (i.e. the "service" in Sahota), or a set-top box and where the data is harvested before being presented which meets the limitation, *client providing the results data to the data presentation process.* See column 6, paragraph [0070]

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Ballantyne's data presentation process to execute in a separate device than the device executing the service because it was well known in the art that the processing of data could occur on various devices on a network as suggested by Sahota's option for transforming content on various devices. Thus, a person of ordinary skill in the art would understand that when processing data, one could utilize different devices for providing the data and presenting the data, as suggested by Sahota, because performing different activities on different devices over a network was known in the art.

In reference to claim 21, Ballantyne teaches producing reporting data in XML format for delivery to a client via an email link, web-site, or at a bill consolidator which meets the limitation *a client receiving information for accessing results data.* See columns 1-2.

Ballantyne does not teach the client provides information for accessing the results data to a presentation process.

However, Sahota discloses a system for transforming content for execution on multiple platforms where the transformation of an XML file into a format for different platforms can occur within a content harvest and conversion platform, a syndication server (i.e. the "service" in Sahota), or a set-top box and where the data is harvested before being presented which meets the limitation, **client providing the information for accessing the results data to the data presentation process.** See column 6, paragraph [0070]

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Ballantyne's data presentation process to execute in a separate device than the device executing the service because it was well known in the art that the processing of data could occur on various devices on a network as suggested by Sahota's option for transforming content on various devices. Thus, a person of ordinary skill in the art would understand that when processing data, one could utilize different devices for providing the data and presenting the data, as suggested by Sahota, because performing different activities on different devices over a network was known in the art.

In reference to claim 22, Ballantyne teaches producing reporting data in XML format using an XML schema based on a client request where a client clicks on an

email link which meets the limitation *a client receiving information for accessing the presentation schema*. See columns 1-2 and 17.

Ballantyne teaches *providing the information for accessing the presentation schema to the data presentation process*. See columns 1-2 and 17.

Ballantyne does not teach the client provides the information for accessing the presentation schema to the data presentation process. Sahota discloses a system for transforming content for execution on multiple platforms where the transformation of an XML file into a format for different platforms can occur within a content harvest and conversion platform, a syndication server (i.e. the "service" in Sahota), or a set-top box and where the data is harvested before being presented which meets the limitation, the *client providing the information for accessing the presentation schema to the data presentation process.* See column 6, paragraph [0070]

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Ballantyne's data presentation process to execute in a separate device than the device executing the service because it was well known in the art that the processing of data could occur on various devices on a network as suggested by Sahota's option for transforming content on various devices. Thus, a person of ordinary skill in the art would understand that when processing data, one could utilize different devices for providing the data and presenting the data, as suggested by Sahota, because performing different activities on different devices over a network was known in the art.

Regarding claim 23, Ballantyne discloses receiving the presentation schema and providing information for accessing the presentation schema to a data presentation process. See abstract, figure 1, system 14, column 6, lines 10-67 and column 7. See also column 2, lines 43-67; column 3, lines 1-40; and column 4, lines 1-15. Ballantyne discloses accessing the XML schema (i.e. presentation schema) where the presentation schema is part of system used to generate the output data.

Ballantyne does not state that the client accessing the schema and provides it to the data presentation process. However, Sahota discloses a system for transforming content for execution on multiple platforms where the transformation of an XML file into a format for different platforms can occur within a content harvest and conversion platform, a syndication server (i.e. the "service" in Sahota), or a set-top box which meets the limitation, *the data presentation process.* See column 6, paragraph [0070]

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Ballantyne's data presentation process to execute the data presentation process in the client versus the service device because it was well known in the art that the processing of data could occur on various devices on a network as suggested by Sahota's option for transforming content on various devices. Thus, a person of ordinary skill in the art would understand that when processing data, one could utilize different devices for providing the data and presenting the data, as suggested by Sahota, because performing different activities on different devices over a network was known in the art.

Claims 24, 27 and 31-34 are rejected under the same rationale used in claims 1,

8, 14, 16, and 17 respectively above.

Regarding claim 35, Ballantyne discloses a data presentation system for

accessing report data for a client and presenting the results data by the data

presentation system which meets the limitation, ***accessing results data for a client in***

the distributed computing environment, and said presenting the results data are

performed by the data presentation process. See column 6, lines 10-67 through

column 8.

In reference to claim 37, Ballantyne teaches that the client's device can include

a display which meets the limitation, ***the first device comprises a data presentation***

device. See column 17 and 18.

In reference to claim 38, claim 38 is rejected under the same rationale used in

claim 20 above.

In reference to claim 39, claim 39 is rejected under the same rationale used in

claim 21 above.

In reference to claim 40, claim 40 is rejected under the same rationale used in

claim 22 above.

Regarding claim 41, Ballantyne discloses *a data presentation process*

executable on the first device and a client process executable on the first device.

See figure 1 depicting a data presentation system and a client process on a first device.

See also abstract, column 6, lines 10-67 and column 7. See also column 2, lines 43-67;

column 3, lines 1-40; and column 4, lines 1-15. Ballantyne discloses accessing the

XML schema (i.e. presentation schema) to output report data in XML format.

Ballantyne discloses *accessing the presentation schema and providing the*

presentation schema to the data presentation process. See abstract, figure 1,

system 14, column 6, lines 10-67 and column 7. See also column 2, lines 43-67;

column 3, lines 1-40; and column 4, lines 1-15. Ballantyne discloses accessing the

XML schema (i.e. presentation schema) where the presentation schema is part of

system.

Ballantyne discloses *wherein said presenting the results data is performed*

by the data presentation process in accordance with the presentation schema

provided by the client process. See abstract, figure 1, system 14, column 6, lines 10-

67 and column 7. See also column 2, lines 43-67; column 3, lines 1-40; and column 4,

lines 1-15. Ballantyne discloses accessing the XML schema (i.e. presentation schema)

where the presentation schema is part of system. Ballantyne teaches outputting data in

XML format in accordance with an XML schema.

In reference to claim 46, Ballantyne teaches a system for reporting data from a

legacy computer system which meets the claimed *device, comprising: a data*

presentation component. See abstract. Ballantyne discloses **a client** is presented

results data as in column 17, lines 25-67. Ballantyne further teaches a means to

access an XML schema provided by the legacy computer system (i.e. service) where

the XML schema determines how to output data from the legacy computer application in

XML format which meets the limitation *access a presentation schema provided by a*

service in a distributed computing environment, wherein the presentation schema

includes information for presenting results data generated by the service. See

columns 3-4; column 5; column 6, lines 27-67. A service is an entity that can be used

by a person, program, or another service as described on page 4 of the specification.

Legacy computer systems are used to output reports such as telephone bills. See

column 1, lines 23-67 and column 2. Legacy systems are used by business enterprises

to output data. See column 3, lines 28-40 and column 4, lines 12-15. Thus a "legacy

computer system" used by a business is a "service" because it is an entity used by a

person or a program. The legacy computer system outputs report data to a customer

which meets the *access the results data generated by the service*. See columns 5-6

and 17. Ballantyne teaches outputting the XML formatted data using the XML schema

generated from the legacy system which meets the limitation *presenting the results*

data on the data presentation component in accord with the information in the

presentation schema for the results data.. See columns 17-18. Ballantyne's system

comprises a service in the computing environment that generates results data (such as

invoices, billing statements) prior to accessing the report data. Ballantyne teaches that

businesses with legacy computer systems may output XML formatted reports that allow

the business to take advantage of advances taking place in e-commerce, such as automatic bill payment. For instance, telephone customers could receive their telephone bill by email containing a web link to a site providing bill detail. See column 17, lines 37-52. The telephone customers are client and the service is the automatic bill payment provided by the business.

Although Ballantyne does not expressly utilize the term a "service", a skilled artisan would be cognizant of the fact that a computer system producing report data for delivery to a customer such as a telephone customer is a service because a service is an entity that can be used by a person, program, or another service as described on page 4 of the specification. See column 2, lines 43-67; column 3, lines 1-40; and column 4, lines 1-15. See also columns 6-7. The system in Ballantyne is used to output reports via a legacy computer system such as telephone bills. See column 1, lines 23-67 and column 2. Systems are used by business enterprises to output data. See column 3, lines 28-40 and column 4, lines 12-15. Thus a system used by a business to output reports is a "service" because it is an entity used by a person or a program. Ballantyne teaches that businesses with legacy and code generation computer systems may output XML formatted reports that allow the business to take advantage of advances taking place in e-commerce, such as automatic bill payment. For instance, telephone customers could receive their telephone bill by email containing a web link to a site providing bill detail. See column 17, lines 37-52. The telephone customers are client and the service is the automatic bill payment provided by the code generation and legacy computer systems.

Ballantyne does not expressly teach *the service executes on a different device in the distributed computing environment than the device comprising the data presentation component and the client component.*

However, Sahota discloses a system for transforming content for execution on multiple platforms where the client is different from the service and the transformation of an XML file into a format for different platforms can occur within a content harvest and conversion platform, a syndication server (i.e. the "service" in Sahota), or a set-top box which meets the limitation, **wherein the service executes on a different device in the distributed computing environment than the device comprising the data presentation component and the client component.** See column 6, paragraph [0070]. See also figure 1A which depicts the "service" or syndication server separate from a client.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Ballantyne's data presentation process to execute in a separate device than the device executing the service because it was well known in the art that the processing of data could occur on various devices on a network as suggested by Sahota's option for transforming content on various devices. Thus, a person of ordinary skill in the art would understand that when processing data, one could utilize different devices for providing the data and presenting the data, as suggested by Sahota, because performing different activities on different devices over a network was known in the art.

Regarding claim 47, Ballantyne teaches a user can request information such as billing statements or invoices by clicking on a web link within an email which results in the outputting of a bill which meets the portion of the limitation, ***wherein said client component is further configured to send a message to the service requesting the results data, wherein the service is operable to generate the results data for the client in response to receiving the message.*** See column 17, lines 35-67. Clicking on a web link is sending a request message to the service to perform some function, in this case displaying a bill, for the client from the legacy system.

Claim 48 is rejected under the same rationale used in claim 1 above.

Claims 53-56 are rejected under the same rationale used in claims 14, 15, 16, and 17 respectively above.

Claim 57 is rejected under the same rationale used in claim 19 above.

5.   **Claims 3-5, 25-26, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over** <u>Ballantyne et al.</u>**, US 6,687,873 B1, 2/3/04 (filed 3/9/00) in view of** <u>Sahota et al.</u>**, US 2005/0114757 A1, 05/26/05 (filed 12/22/04, divisional on 04/23/01, provisional on 04/24/00) and** <u>Merrick et al.</u>**, US 2005/0166209 A1, 07/28/05 (filed on 12/03/04, continuation filed on 03/23/09).**

In reference to claim 3, Ballantyne teaches a user can request information such as billing statements or invoices by clicking on a web link within an email which results in the outputting of a bill. However Ballantyne does not expressly teach the client sends a request to the service and the service generates the results data. Sahota discloses *said generating the results data is performed in response to the client sending a request message. . . wherein the request message requests the service to perform a function on behalf of the client, and wherein the function generates the results data when performed by the service.* See page 4, paragraph [0046] where the syndication server coordinates client requests. In Sahota, the syndication server performs the generating of result (i.e. the service).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Ballantyne's data presentation process to execute in a separate device than the device executing the service because it was well known in the art that the processing of data could occur on various devices on a network as suggested by Sahota's option for transforming content on various devices. Thus, a person of ordinary skill in the art would understand that when processing data, one could utilize different devices for providing the data and presenting the data, as suggested by Sahota, because performing different activities on different devices over a network was known in the art.

Ballantyne does not expressly state the request message is in a data representation language. However, Merrick teaches receiving a request message in

XML which meets the limitation, *the request message is in a data representation language.* See figure 1 and page 10, paragraph [0104].

It would have been obvious to a person of ordinary skill in the art at the time of the invention to send XML based request messages to a server from a client, as suggested by Merrick, within the system of Ballantyne because it was desirable at the time of the invention to provide a means for transmitting messages from two different vendors in a format that did not require software from one vendor to be installed in another vendor. See page 4, paragraphs [0028]-[0039].

In reference to claim 4, Ballantyne does not expressly state the data representation language is XML. However, Merrick teaches receiving a request message in XML which meets the limitation, *the data representation language is XML.* See figure 1 and page 10, paragraph [0104].

It would have been obvious to a person of ordinary skill in the art at the time of the invention to send XML based request messages to a server from a client, as suggested by Merrick, within the system of Ballantyne because it was desirable at the time of the invention to provide a means for transmitting messages from two different vendors in a format that did not require software from one vendor to be installed in another vendor. See page 4, paragraphs [0028]-[0039].

In reference to claim 5, Ballantyne does not expressly state the results data is in a data representation language. However, Merrick teaches receiving a request

message in XML which meets the limitation, *said accessing the results data from the service in one or more messages in a data presentation language*. See figure 1 and page 10, paragraph [0104].

It would have been obvious to a person of ordinary skill in the art at the time of the invention to send XML based request messages to a server from a client, as suggested by Merrick, within the system of Ballantyne because it was desirable at the time of the invention to provide a means for transmitting messages from two different vendors in a format that did not require software from one vendor to be installed in another vendor. See page 4, paragraphs [0028]-[0039].

Claims 25-26 are rejected under the same rationale used in claims 3-4 respectively above.

Claim 36 is rejected under the same rationale used in claim 3 above.

6.   **Claims 12, 30, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al., US 6,687,873 B1, 2/3/04 (filed 3/9/00) in view of Sahota et al., US 2005/0114757 A1, 05/26/05 (filed 12/22/04, divisional on 04/23/01, provisional on 04/24/00) and Sravanapudi et al., US 2001/0049603 A1, 12/6/01 (filed 3/8/01, provisional 3/10/00).**

In reference to claims 12, 30, and 52, Ballantyne does not teach the presentation of report data in an audio format; however, Sravanapudi teaches a multimodal information system in which information can be delivered in a variety of formats including audio. See pages 1-3. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Sravanapudi's audio presentation of result information in the system of Ballantyne since it allows a user to be reached via multiple channels and also allows the user to listen to the data through a sound system. See page 1 of Sravanapudi. Sravanapudi also teaches utilizing Voice XML as a means for rendering the data as audio. It would have been obvious to utilize Voice XML in Ballantyne's XML output presentation as it is a form of the representation language used. See page 5 of Sravanapudi.

Allowable Subject Matter

7.   Claims 42-45 are allowed.

        Claims 10-11, 28-29, and 50-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8.   Applicant's amendments and arguments with respect to claims 1-57 have been fully considered.

The previous rejections under 35 USC 102(e) have been withdrawn. Applicant's arguments with respect to Ballantyne were fully considered. Examiner agrees that Ballantyne does not teach that the data presentation process and the service execute on separate devices; however, Examiner has introduced a new rejection under 35 USC 103 over Ballantyne in view of Sahota. Specifically, Examiner believes that Ballantyne still discloses a service for generating results data. While Ballantyne teaches a data presentation process, Examiner finds that Ballantyne does not teach the presentation process is separate from the service device. Examiner has interpreted Ballantyne in a different light as outlined in the rejections above and has introduced Sahota to teach the feature of a separate device for the service and presentation process. Therefore, Applicant's amendments and arguments with respect to claims 1 and 46 are moot in view of the new ground(s) of rejection.

Applicant argues Ballantyne fails to disclose the features of claim 22 stating the client does not receive any information for accessing the presentation schema. Applicant's arguments are moot in view of the new grounds of rejection.

Regarding claim 3, Applicant argues the cited art fails to teach the client sending a request message in a data representation language to the service. Applicant's arguments have been considered but are moot in light of the new grounds of rejection.

Regarding claim 42, Applicant's arguments have been considered and are persuasive. The previous rejections have been withdrawn.

In view of the comments above, the rejections are maintained.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to RACHNA S. DESAI whose telephone number is

(571)272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rachna S Desai/
Primary Examiner, Art Unit 2176
06/18/10